

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/936,542	RENIERO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Deborah K. Ware	1651	

**All Participants:**

**Status of Application:** \_\_\_\_\_

(1) Deborah K. Ware.

(3) \_\_\_\_\_.

(2) Robert Barrett.

(4) \_\_\_\_\_.

**Date of Interview:** 21 December 2004

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

*those of record and a potential 35 USC 101 issue for true double patenting over claims 6 and 18.*

Claims discussed:

*claims 1-2 and 4-22*

Prior art documents discussed:

*EP document of record.*

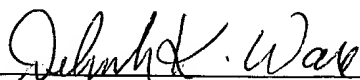
**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*Applicants' Representative authorized the changes by examiner's amendment to put claims 7-11, 13, and 19-20 into condition for allowance*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

### PROPOSED EXAMINER'S AMENDMENT

The application will be proposed to be amended as follows:

**IN THE CLAIMS:**

Cancel claims 1-6, 12, 14-18 and 21-22.

Claim 7 (Currently Amended): A method for preparing an ingestible support material comprising ~~using adding to said ingestible support material~~ a biologically pure culture of ~~lactic acid bacterium strain~~ *Lactobacillus paracasei* CNCM I-2116 having the ability of preventing colonization of an intestine with pathogenic bacteria causing diarrhoea and of preventing infection of intestinal epithelial cells by rotaviruses.

Claim 8 (Currently Amended): The method according to claim 7, wherein ~~the lactic acid bacterium~~ said strain is contained in an said ingestible support material in an amount from about  $10^5$  cfu/g to about  $10^{12}$  cfu/g of the support material.

Claim 9 (Currently Amended): A method for preparing an ingestible support material comprising ~~using adding to said support material~~ a supernatant containing a biologically pure culture of a ~~lactic acid bacterium~~ *Lactobacillus paracasei* CNCM I-2116 having the ability of preventing colonization of an intestine with pathogenic bacteria causing diarrhoea and of preventing infection of intestinal epithelial cells by rotaviruses.

Claim 11 (Currently Amended): A method for treatment of a disorder associated with diarrhoea comprising administering to a patient having the disorder associated with diarrhoea a biologically pure culture of lactic acid bacterium strain ~~belonging to a genus Lactobacillus~~ *Lactobacillus paracasei* CNCM I-2116 having the ability of preventing colonization of an intestine with pathogenic bacteria causing diarrhoea and of preventing infection of intestinal epithelial cells by rotaviruses.

Claim 20 (Currently Amended): A method for preventing a disorder associated with diarrhoea in a patient at risk of same comprising administering to said patient a biologically pure culture of lactic acid bacterium strain ~~belonging to a genus Lactobacillus~~ *Lactobacillus paracasei* CNCM I-2116 having the ability of preventing colonization of the intestine with pathogenic bacteria causing diarrhoea and of preventing infection of intestinal epithelial cells by rotaviruses.

no changes to claims 10, 13, and 19.

Therefore, with these changes upon authorization by Applicant's Representative the claims 7-11, 13, and 19-20 would be put into condition for allowance. Please get back to Examiner Ware at 571-272-0924 as soon as possible or at least within 2 days. Thank you.